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OCT. 29 1975
MICHAEL RODAK, JR., CLERK

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1975

NO. (75-5)

J. TONY SERRA, PETITIONER

vs.

UNITED STATES OF AMERICA, RESPONDENT

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI

J. TONY SERRA, ESQ.
Attorney at Law
473 Jackson Street
San Francisco,
California 94111
IN PRO SE

October 28, 1975

IN THE SUPREME COURT OF THE UNITED STATES

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Petitioner, J. TONY SERRA, ESQ., prays that this Court grant rehearing of its Order of October 6, 1975, denying the Petition for Writ of Certiorari, and that a Writ of Certiorari issue to review the Judgment of the Court of Appeals for the Ninth Circuit in the above-entitled case as prayed for in the Petition filed July 2, 1975, herein.

The reasons for granting rehearing and issuing the Writ are as follows:

1. This Court's Order Denying Writ of Certiorari herein, and in McCorkle vs. United States (74-1371) (Cert.denied October 6, 1975), perpetuates a conflict of decisions between the Ninth and Seventh Circuits with the Third, Fourth, Fifth and Eighth Circuits, on the proper interpretation of Bishop vs. United States,

412 U.S. 346, 36 L.Ed.2d 941 (1973), as more fully set out in petitioner's Petition for Writ of Certiorari on file herein.

2. This Court's Orders denying Writs of Certiorari, both herein and in McCorkle, supra, create a conflict of decision between the Ninth and Seventh Circuits, respectively, in reference to the proper interpretation of Bishop vs. United States, supra.

3. Since petitioner's filing for Writ of Certiorari herein, the significant Eighth Circuit case of United States v. Pohlman, 510 F.2d 414, bearing directly on petitioner's issues asserted herein, has been readjudicated en banc (75-2 U.S.T.C. 9677; Cert.applied for 9/26/75, DKT. 75-483). The Pohlman redecision occasions inconsistencies in law, when

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analyzed with this Court's Order denying Writ of Certiorari herein.

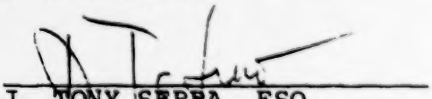
For the reasons set forth above and in the Petition for Writ of Certiorari, it is respectfully urged that Rehearing be granted, and that upon such rehearing, a Writ of Certiorari issue to the Court of Appeals for the Ninth Circuit.

Respectfully submitted,

J. TONY SERRA, ESQ.
IN PRO SE

CERTIFICATE OF PETITIONER IN PRO SE

I hereby certify that the foregoing Petition for Rehearing is presented in good faith and not for delay, and is restricted to grounds specified in Rule 58 of the Rules of Court.



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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of October, 1975, three (3) copies of the Petition for Rehearing were mailed, postage prepaid, to the Solicitor General of the United States, United States Department of Justice, Washington, D.C., 20530, Counsel for Respondent. I further certify that all parties required to be served have been served.

J. TONY SERRA, ESQ.
473 Jackson Street
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